

UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

United States of America

v.

Tyler James ZALMAN

Case No. Case: 2:23-mj-30127
Assigned To : Unassigned
Assign. Date : 3/29/2023
SEALED MATTER (LH)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of March 14, 2023 in the county of Oakland in the
Eastern District of Michigan, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. § 922(a)(1)(A)	Engaging in the business of dealing firearms without a license.
18 U.S.C. § 922(g)(1)	Possession of a firearm by a convicted felon
18 U.S.C. § 922(j) a	Possession of a stolen firearm
18 U.S.C. § 924 (c)(1)	Possession of a firearm in futherance of drug trafficking crime
21 U.S.C. § 841(a)(1)	Possession with intent to distribute a controlled substance
26 U.S.C. § 5861 (c),(d), and (f)	Receipt or possession of a firearm made in violation of the National Firearms Act (NFA), Receipt or possession of an unregistered firearm, and Making of a firearm in violation of the NFA

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence
and/or by reliable electronic means.

Date: March 29, 2023

City and state: Detroit, Michigan



Complainant's signature

Kenton Weston, Special Agent (ATF)

Printed name and title



Judge's signature

Hon. Anthony P. Patti, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

1. I, Kenton Weston, being first duly sworn, hereby state:

INTRODUCTION

2. I have been employed as a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), assigned to the Detroit Field Division since January 2018. I graduated from the ATF Privately Made Firearm (PMF) and Machine Gun Conversion (MCD) Train the Trainer Course, Criminal Investigator Training Program, and the ATF Special Agent Basic Training Program. During my employment with the ATF, I have conducted and/or participated in numerous criminal investigations focused on firearms, drug trafficking violations, and criminal street gangs.

3. I am currently assigned to the Pontiac Gun Violence Task Force (GVTF), a task force established by the Oakland County Sheriff's Office (OCSO) and the ATF. The GVTF is tasked with investigating the unlawful possession of firearms and violent firearm crimes committed within the city of Pontiac and or Oakland County. During my employment with the ATF, I have been involved in over a hundred investigations involving violent crimes, which have resulted in the seizure of illicit controlled substances, hundreds of firearms, and over one hundred arrests.

4. This affidavit is made in support of an application for a criminal complaint for Tyler James ZALMAN (XX/XX/1992).

5. I have probable cause to believe that ZALMAN, who knew he was a convicted felon, knowingly possessed a firearm, which traveled in interstate commerce, in violation of 18 U.S.C. § 922(g)(1). Additionally, ZALMAN possessed a distribution amount of illicit controlled substances, specifically cocaine base, and used stolen firearms, to include an illegally manufactured weapon made from a shotgun (due to having a barrel less than 16” and an overall length less than 26”), to protect his illicit controlled substances in violation of 18 U.S.C. § 922(j), 18 U.S.C. § 924(c)(1), 21 U.S.C. § 841(a)(1), and 26 U.S.C. § 5861(c), (d), and (f), and engaged in the business of dealing firearms without a license in violation of 18 U.S.C. § 922(a)(1)(A).

6. I make this affidavit based on my participation in this investigation, interviews conducted by myself and other law enforcement agents, reports from other law enforcement agents, communications with others who have personal knowledge of the events and circumstances described herein, and information gained through my training and experience.

7. The information in this affidavit is for the limited purpose of establishing probable cause and does not contain all details or all facts relating to this investigation.

PROBABLE CAUSE

8. On March 14, 2023, OCSO deputies responded to a dispatched call for a breaking and entering, where no forced entry to the home was observed, that

occurred at XX Ruth Pontiac, Michigan, which is located in the Eastern District of Michigan. The OCSO identified that the victim (KP) was robbed of approximately 15 firearms, including Glock pistols and a shotgun, US currency, and a coin collection. These items had been stored in a large firearm safe made of 12-gauge steel. A search of Michigan's Law Enforcement Information Network (LEIN) revealed KP registered 9 pistols to include a Glock model 30s .45 caliber pistol bearing serial number "NNN841." The OCSO spoke with KP, who explained he had entrusted three individuals with the entry code to their residence. One of those individuals was ZALMAN.

9. On March 15, 2023, the GVTF conducted a supplemental investigation into the breaking and entering. While at XX Ruth, I observed that the firearm safe appeared to have been broken open by a sledgehammer and crowbar. Later that day, the GVTF interviewed the two other individuals entrusted with the entry code. Neither of these two individuals had a previous criminal history nor appeared to have the physical capability to strike and pry open the large firearm safe. They both consented to searches of their residences and their DNA. The GVTF did not locate any of the stolen property in their respective residences.

10. At this juncture, ATF TFO Dan Hedrick submitted a search warrant for ZALMAN's residence and vehicle located at XX Edwards, Pontiac, Michigan. Michigan's 50th District Court Magistrate Judge Cynthia Walker authorized the search warrant.

11. On March 16, 2023, ATF TFO Hedrick and I conducted a post Miranda interview with ZALMAN. During the interview, ZALMAN stated that he was a felon, he did not commit the robbery, and he lived at XX Edward, Pontiac, MI. ZALMAN declined consent to search his home and his vehicle.

12. Subsequently, the GVTF executed the search warrant for ZALMAN'S residence and vehicle at XX Edward, Pontiac, MI. In his vehicle, the GVTF recovered a medicine bottle containing approximately 1 gram of a hard white substance that field tested positive for cocaine and digital media. During the protective sweep of the residence, officers located ZALMAN's significant other, an infant, and a 1-year-old child.

13. Inside the residence, the GVTF also located numerous items including:

- a. One Remington M 887 Digital 12-gauge shotgun with a sawed-off barrel and stock bearing serial number AAE002461A and 5 shotgun shells in close proximity. Based on the shotgun having a barrel less than 16" and an overall length less than 26", this firearm meets the definition of a National Firearms Act (NFA) weapon made from a shotgun.
- b. One Springfield XDS .45 caliber pistol bearing serial number S3103085 loaded with a round in the chamber and a loaded magazine inserted.
- c. One Cobray CM-11 9mm firearm without a shoulder stock bearing serial number 94-0005788 loaded with one round in the chamber and a

loaded extended magazine inserted. Images of this firearm were submitted to ATF Firearms and Ammunition Technology Division (FATD). Per FATD, this firearm appears to meet the definition of a NFA “Weapon Made from a Rifle” due to having a barrel less than 16” and an overall length less than 26”. One Colt MKIV .45 caliber pistol with black rubber grips bearing serial number SS17749 loaded with one round in the chamber and a loaded magazine inserted in the firearm. This firearm is registered in LEIN to KP.

- d. One Browning Arms 9mm pistol with pearl grips bearing serial number 73C76516 loaded with one round in the chamber and a loaded magazine inserted into the firearm. Note: test fired cartridge cases were submitted to the National Integrated Ballistic Information Network (NIBIN) which identified that this firearm is associated with a 2021 domestic violence incident for which ZALMAN was named as the suspect.
- e. Knotted plastic baggies weighing approximately 1.72 gross grams and 10.51 gross grams containing white powdery substance that field tested positive for cocaine.
- f. Drug paraphernalia (such as a digital scale, strainer, knife, baking sheet, Pyrex measuring cup) covered in a white powdery substance that field tested positive for cocaine.
- g. Digital media.

14. Michigan's 50th District Court Magistrate Judge Cynthia Walker authorized an additional search warrant for the recovered digital media. Investigators subsequently searched the seized media and observed numerous images and messages, some of which are detailed below.

IMAGES

15. Image 1, dated January 4, 2023, displays 2 Glock .45 caliber pistols to include KP's Glock model 30s .45 caliber pistol bearing serial number "NNN841". Based on the bathroom sink, tile color, tile pattern, and metadata, this image was captured inside XX Edward.

Image 01



16. Image 2, dated January 6, 2023, displays 4 of the recovered firearms, to include the Cobray CM-11 9mm weapon made from a rifle (circled in red), along with 5 other suspected firearms that appear to have been stolen from KP. Based on my training and experience investigating firearm trafficking in the Eastern District of Michigan, these firearms appear to be staged in a manner that could be used as an advertisement to entice future buyers. Based on the rug's pattern, coffee table, and metadata, this image was captured inside XX Edward.

Image 02



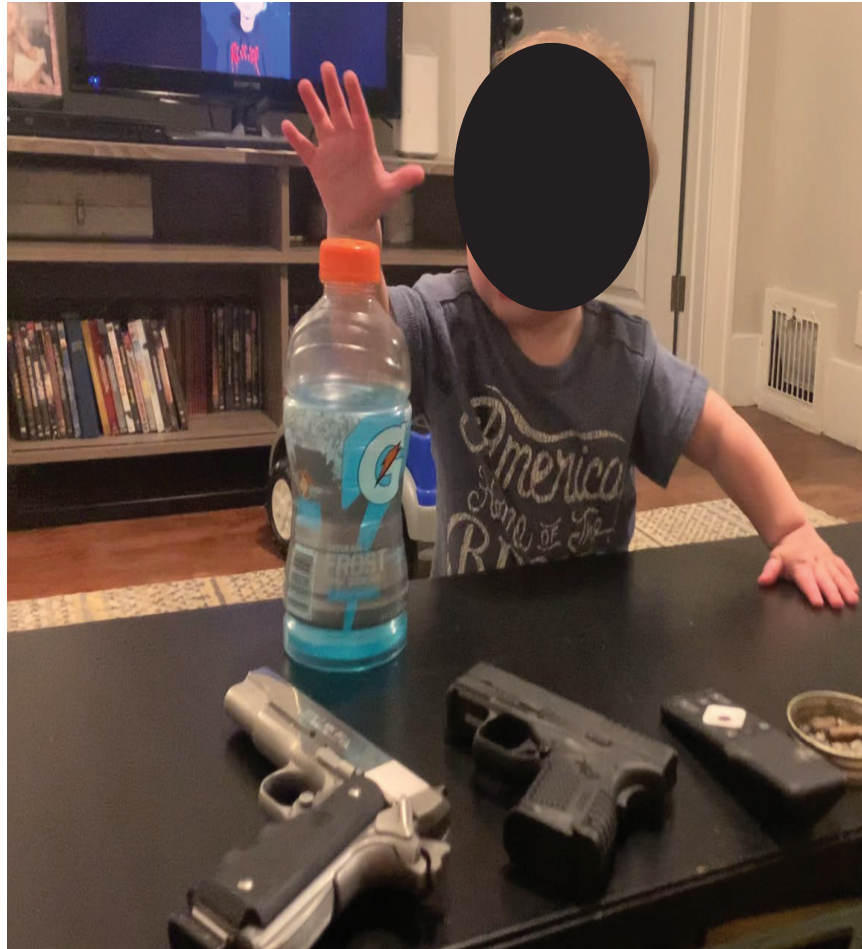
17. Image 3, dated February 3, 2023, displays the pried open safe, a sledgehammer, a crowbar, and a cache of firearms to include what appears to be a Remington M 887 Digital 12-gauge shotgun (circled in red). Based on the rug's pattern, furniture, and metadata, this image was captured inside XX Ruth.

Image 03



18. Image 4, dated February 8, 2023, displays the stolen Colt MKIV .45 caliber pistol and the recovered Springfield XDS .45 caliber pistol laying on a coffee table and pointing at the aforementioned 1-year old. Based on the rug's pattern, furniture, and the metadata, I recognize this image to be captured at XX Edward.

Image 04



19. Image 5, dated February 22, 2023, displays ZALMAN manufacturing suspected cocaine base next to the recovered Springfield XDS .45 caliber pistol. Based on the make and model of the stove, the counter tops, and the metadata, I recognize this image to be captured at XX Edward.

Image 05



20. Image 6, dated March 7, 2023, displays a Remington M 887 Digital 12-gauge shotgun with a sawed-off barrel and stock, placed in the lap of an individual wearing a navy shirt, a red lanyard with an attached e-cigarette, and black sweatpants. Based on the furniture, flooring, and the metadata, I recognize this image to be captured at XX Edward.

Image 06



21. Image 7, dated March 8, 2023, displays ZALMAN seated on the couch located inside XX Edward while wearing a navy shirt, a red lanyard with an attached e-cigarette, and black sweatpants and brandishing 3 recovered firearms including the stolen Remington M 887 Digital 12-gauge SBS (circled in red) and the stolen Colt MKIV .45 caliber pistol.

Image 07



MESSAGES

22. I observed over a dozen messages dated between January 18, 2023 and January 28, 2023. In the messages, ZALMAN was advertising and/or discussing the sale of at least six firearms to include Glocks. ZALMAN specifically noted that he had 2 Glock .45 caliber pistols for sale that fit the description of the firearms in Image 1 (see above). Based on ZALMAN's messages and the firearms not being recovered from ZALMAN's residence, it appears ZALMAN sold firearms that were not a part of a personal collection for a profit.

23. Between January 2023 and March 14, 2023, ZALMAN messaged unidentified individuals explaining his drug trafficking and firearm possession. ZALMAN explained that he is "well protected" and "a fulltime coke dealer." He advertised that he manufactures "crack", negotiated illicit drug prices, directed customers to his residence to complete suspected illicit drug sales, and enticed others to find him additional customers for his drug trafficking. In one message, ZALMAN stated "Yea get me some crack heads I'll hook ya up . This is the best dope around man, everyone who tries it loves it."

24. Between March 19 and March 25, 2023, I reviewed recorded Oakland County Jail phone calls made by ZALMAN. During a call on March 21, 2023 (five days after his interview with the GVTF), ZALMAN discussed the fact that the ATF and OCSO were conducting an investigation into his suspected firearms and illicit drugs violations. ZALMAN stated law enforcement has him "dead to rights." Based

on my training, experience, and familiarity with this case, I believe ZALMAN was referring to this investigation and the evidence collected by law enforcement.

25. A brief history of ZALMAN's criminal history is listed below:

- a. On October 7, 2008, in Oakland County's Probate court, ZALMAN was charged with 2nd degree home invasion. The file was resolved via juvenile adjudication.
- b. On July 7, 2017, in Michigan's 6th Circuit Court, ZALMAN pleaded guilty to felony delivering/ manufacturing of marijuana.
- c. On June 14, 2021, in Michigan's 51st District Court, ZALMAN was charged with domestic violence involving a firearm.
 - i. The Browning 9mm pistol that was recovered on March 16, 2023 was forensically linked to this incident via the National Integrated Ballistics Information Network.
- d. March 21, 2023, the OCSO charged ZALMAN with domestic violence stemming from a physical altercation that occurred on March 15, 2023.

26. Based on my training and experience, as well the information found on ZALMAN's digital media, I believe the aforementioned illegal controlled substance and drug manufacturing equipment recovered by law enforcement are consistent with an intent to distribute and not solely for personal use.

27. ATF Industry Operations Investigator (IOI) Gary Gray queried ZALMAN in the Federal Licensing System and discovered ZALMAN is not associated with any Federal Firearm License (FFL). IOI Gray queried ZALMAN in the National Firearms Act Registration and Transfer Record (NFRTR) and observed that ZALMAN does not have any NFA firearms registered to him. Based on IOI Gray's results, ZALMAN is prohibited from possessing, manufacturing, and selling both firearms and NFA regulated weapons.

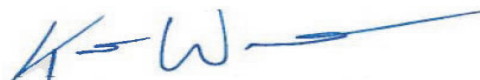
28. I described the recovered firearms with ATF Special Agent Josh Mclean, an Interstate Nexus expert, who indicated the firearms noted above were not manufactured in the State of Michigan and therefore had traveled in or affected interstate or foreign commerce.

CONCLUSION

29. Probable cause exists that Tyler James ZALMAN, a prior convicted felon, was in possession of the above-described firearms in the furtherance of a drug trafficking crime. ZALMAN also dealt in and profited from the illegal sales of firearms. All the mentioned firearms have previously travelled in foreign or interstate commerce. Therefore, probable cause exists that Tyler James ZALMAN

committed violations of Titles 18 U.S.C. § 922(a)(1)(A); 18 U.S.C. § 922(g)(1); 18 U.S.C. § 922(j); 18 U.S.C § 924(c)(1); 21 U.S.C. § 841(a)(1); and 26 U.S.C § 5861(c), (d), and (f) within the Eastern District of Michigan.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'K-W', followed by a horizontal line.

Kenton Weston, Special Agent
Bureau of Alcohol, Tobacco, Firearms
and Explosives

Sworn to before me in my presence
and/or by reliable electronic means

A handwritten signature in blue ink, appearing to read 'A.P. Patti', followed by a horizontal line.

Hon. Anthony P. Patti March 29, 2023
United States Magistrate Judge